

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF CALIFORNIA

In re: James Bigelow Reswick

Chapter 13

Case No. 09-32489

OBJECTION TO CLAIM; NOTICE OF OPPORTUNITY FOR  
HEARING; CERTIFICATE OF SERVICE

CLAIMANT: Discover Bank

Debtor(s) \_\_\_\_\_ / CLAIM NO: 1-1

The Debtor(s) [or Trustee] object(s) to the allowance of the claim described as:

NAME & ADDRESS OF CLAIMANT (as set forth on Proof of Claim):

DOLLAR AMT

DATE FILED

\* Discover Bank

14,301.06

08/31/2009

\* DFS Services LLC

\* PO Box 3025

\* New Albany, Ohio 43054-3025

The basis for the objection is that the claim:

\_\_\_\_\_ duplicates claim no. \_\_\_\_\_ filed on \_\_\_\_\_ by \_\_\_\_\_.

\_\_\_\_\_ does not include a copy of the underlying judgment.

\_\_\_\_\_ does not include a copy of the security agreement and evidence of perfection.

\_\_\_\_\_ fails to assert grounds for priority.

\_\_\_\_\_ does not include a copy of the assignment(s) upon which it is based.

\_\_\_\_\_ appears to include interest or charges accrued after the filing of this case on \_\_\_\_\_.

\_\_\_\_\_ is not timely filed.

X Fails to conform to the instructions on Official Form 10, Paragraph 7 to  
"Attach redacted copies of any documents that support the claim, such as  
...."

The Objecting Party will ask the Court to enter an Order providing that the claim is:

\_\_\_\_\_ allowed as a secured claim in the amount of: \$ \_\_\_\_\_.

\_\_\_\_\_ allowed as an unsecured claim in the amount of: \$ \_\_\_\_\_.

\_\_\_\_\_ allowed as a priority claim in the amount of: \$ \_\_\_\_\_.

X disallowed in its entirety

**NOTICE IS HEREBY GIVEN**, pursuant to FRBP 3007 as modified by Local Rule 9014: 1) that any objection to the requested relief, or a request for hearing on the matter must be filed and served on the requesting party within twenty (20) days of mailing of the notice; 2) that a request for hearing or objection must be accompanied by any declarations or memoranda of law the party objecting or requesting wishes to present in support of its position; 3) that if there is not a timely objection to the requested relief or a request for hearing, the Court may enter an order granting the relief by default; and 4) that the initiating party will give at least ten (10) days written notice of hearing to the objecting or requesting party, and to any trustee or committee appointed in the case, in the event an objection or request for hearing is timely made.

Dated: April 30, 2010

DEBTOR(S)' ADDRESS:

\* 4900 La Honda Road

\* La Honda, CA 94020

\*

[Attorney for] Objecting Party

Stephen Benda, attorney for

\* objecting party Natalia Reswick

\* 750 Menlo Avenue, Suite 350

\* Menlo Park, CA 94025

\* Telephone: 650-323-6600

CERTIFICATE OF SERVICE

I am not less than 18 years of age and not a party to the within case. My business address is: 750 Menlo Avenue,  
Suite 350, Menlo Park, CA 94025. I served this OBJECTION TO CLAIM; NOTICE OF  
OPPORTUNITY FOR HEARING by first-class United States Mail, postage pre-paid, at Menlo Park, California,  
on the date noted below and addressed to the Claimant above, and on those listed below. If entitled to notice, the Chapter 13 Trustee  
will receive such notice upon the electronic filing of this document. I declare, under penalty of perjury, that the foregoing is true and  
correct.

Dated: 04/30/2010 at Menlo Park, California.

\* James Bigelow Reswick

\* 4900 La Honda Road

\* La Honda, CA 94020

\*

\* Gary Brenner

\* 630 N. San Mateo Drive

\* San Mateo, CA 94401

\*

\* Cheryl Rouse

\* 345 Franklin Steet

\* San Francisco, CA 94102

\*

4-1

<b>UNITED STATES BANKRUPTCY COURT</b> Northern District of California		<b>PROOF OF CLAIM</b>
Name of Debtor: <b>JAMES B RESWICK JR</b>		Case Number: <b>0932489</b>
NOTE: This form should not be used to make a claim for an administrative expense arising after the commencement of the case. A request for payment of an administrative expense may be filed pursuant to 11 U.S.C. § 503.		
Name of Creditor (the person or other entity to whom the debtor owes money or property): Discover Bank		<input type="checkbox"/> Check this box to indicate that this claim amends a previously filed claim.  <b>Court Claim Number:</b> _____ (If known)  <b>Filed on:</b> _____
Name and address where notices should be sent: Discover Bank DFS Services LLC PO Box 3025 New Albany, Ohio 43054-3025  Telephone number: 800-347-5516		
Name and address where payment should be sent (if different from above):     Telephone number:		<input type="checkbox"/> Check this box if you are aware that anyone else has filed a proof of claim relating to your claim. Attach copy of statement giving particulars.  <input type="checkbox"/> Check this box if you are the debtor or trustee in this case.
<b>1. Amount of Claim as of Date Case Filed:</b> \$ <u>14,301.06</u>  If all or part of your claim is secured, complete item 4 below; however, if all of your claim is unsecured, do not complete item 4.  If all or part of your claim is entitled to priority, complete item 5.  <input type="checkbox"/> Check this box if claim includes interest or other charges in addition to the principal amount of claim. Attach itemized statement of interest or charges.		
<b>2. Basis for Claim:</b> <u>CREDIT CARD</u> (See instruction #2 on reverse side.)		<b>5. Amount of Claim Entitled to Priority under 11 U.S.C. §507(a). If any portion of your claim falls in one of the following categories, check the box and state the amount.</b>  Specify the priority of the claim.  <input type="checkbox"/> Domestic support obligations under 11 U.S.C. §507(a)(1)(A) or (a)(1)(B).  <input type="checkbox"/> Wages, salaries, or commissions (up to \$10,950*) earned within 180 days before filing of the bankruptcy petition or cessation of the debtor's business, whichever is earlier – 11 U.S.C. §507 (a)(4).  <input type="checkbox"/> Contributions to an employee benefit plan – 11 U.S.C. §507 (a)(5).  <input type="checkbox"/> Up to \$2,425* of deposits toward purchase, lease, or rental of property or services for personal, family, or household use – 11 U.S.C. §507 (a)(7).  <input type="checkbox"/> Taxes or penalties owed to governmental units – 11 U.S.C. §507 (a)(8).  <input type="checkbox"/> Other – Specify applicable paragraph of 11 U.S.C. §507 (a)(____).  <b>Amount entitled to priority:</b>  \$ _____  <small>*Amounts are subject to adjustment on 4/1/10 and every 3 years thereafter with respect to cases commenced on or after the date of adjustment.</small>
<b>3. Last four digits of any number by which creditor identifies debtor:</b> <u>9151</u>  <b>3a. Debtor may have scheduled account as:</b> _____ (See instruction #3a on reverse side.)		
<b>4. Secured Claim</b> (See instruction #4 on reverse side.) Check the appropriate box if your claim is secured by a lien on property or a right of setoff and provide the requested information.  <b>Nature of property or right of setoff:</b> <input type="checkbox"/> Real Estate <input type="checkbox"/> Motor Vehicle <input type="checkbox"/> Other <b>Describe:</b>  <b>Value of Property:</b> \$ _____ <b>Annual Interest Rate</b> _____ %  <b>Amount of arrearage and other charges as of time case filed included in secured claim,</b> <b>if any:</b> \$ _____ <b>Basis for perfection:</b> _____  <b>Amount of Secured Claim:</b> \$ _____ <b>Amount Unsecured:</b> \$ _____		
<b>6. Credits:</b> The amount of all payments on this claim has been credited for the purpose of making this proof of claim.  <b>7. Documents:</b> Attach redacted copies of any documents that support the claim, such as promissory notes, purchase orders, invoices, itemized statements of running accounts, contracts, judgments, mortgages, and security agreements. You may also attach a summary. Attach redacted copies of documents providing evidence of perfection of a security interest. You may also attach a summary. (See instruction 7 and definition of "redacted" on reverse side.)  DO NOT SEND ORIGINAL DOCUMENTS. ATTACHED DOCUMENTS MAY BE DESTROYED AFTER SCANNING.  If the documents are not available, please explain:		
<b>Date:</b> 08/31/2009  <b>/s/ Marc Taylor</b>		<b>FOR COURT USE ONLY</b>

Penalty for presenting fraudulent claim: Fine of up to \$500,000 or imprisonment for up to 5 years, or both. 18 U.S.C. §§ 152 and 3571.